

Article - Health - General

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§2–605.

(a) (1) If the State intervenes and proceeds with an action filed under § 2–604 of this subtitle and the State prevails, the court shall award the person initiating the action an amount that is:

(i) Not less than 15% and not more than 25% of the proceeds of the action or settlement of the claim; and

(ii) Proportional to the amount of time and effort that the person substantially contributed to the final resolution of the civil action.

(2) (i) If the court finds that the action is based primarily on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may make an award to the person initiating the action that:

1. The court considers appropriate, taking into account the significance of the information and the role of the person initiating the action in advancing the case to litigation; and

2. Does not exceed 10% of the proceeds of the action.

(ii) The information described in subparagraph (i) of this paragraph does not include information disclosed and provided by the person initiating the action.

(3) Any payment to a person under paragraph (1) or (2) of this subsection shall be made from the proceeds of the action.

(4) (i) In addition to the amount provided under paragraphs (1) and (2) of this subsection, a court may award the person initiating the action:

1. An amount for reasonable expenses that the court finds to have been necessarily incurred; and

2. Reasonable attorney's fees and costs.

(ii) In determining the amount of any award under subparagraph (i) of this paragraph, the court shall consider the amount of any penalties and damages recovered in the action and any other factor as justice may require.

(iii) Any expenses, fees, and costs awarded under this paragraph shall be awarded against the defendant.

(b) (1) If a court finds that the action is initiated by a person who planned and initiated or otherwise deliberately participated in the violation on which the action was based, the court may, to the extent it considers appropriate, reduce the share of the proceeds of the action that the person otherwise would have received under this section.

(2) In reducing the share of the proceeds of the person initiating the action under this subsection, the court shall consider:

(i) The role of the person in advancing the case to litigation;
and

(ii) Any relevant circumstances relating to the underlying violation.

(3) (i) If the person initiating a civil action under § 2–604 of this subtitle is convicted of criminal conduct arising from the person’s participation in the violation on which the action was based prior to a final determination of the action, the person:

1. Shall be dismissed from the action; and
2. May not receive any share of the proceeds of the
action.

(ii) The dismissal of the person initiating the action in accordance with this paragraph does not prejudice the right of the State to continue the action.

(4) If the person initiating a civil action under § 2–604 of this subtitle is convicted of criminal conduct arising from the person’s participation in the violation on which the action was based after the proceeds from the action are awarded to that person, the court shall order the person to repay the proceeds previously awarded.

(c) A court may award reasonable attorney’s fees and expenses to a defendant and against the person initiating the action if:

(1) The defendant prevails in the action; and

(2) The court finds that the claim of the person initiating the action was brought primarily for purposes of harassment or otherwise brought in bad faith.

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